



## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 721**

**[EPA-HQ-OPPT-2011-0108; FRL-9339-8]**

**RIN 2070-AB27**

### **Modification of Significant New Uses of Tris Carbamoyl Triazine; Technical Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical correction.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of February 8, 2012 concerning the modification of significant new uses of the chemical substance identified generically as tris carbamoyl triazine, which was the subject of premanufacture notice (PMN) P-95-1098. This document is being issued to correct a typographical error.

**DATES:** This final rule is effective March 9, 2012.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2011-0108. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public

Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280.

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**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:*

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*TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Does this Action Apply to Me?**

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

## **II. What Does this Technical Correction Do?**

When modifying the significant new uses for tris carbamoyl triazine, EPA inadvertently included in § 721.9719 (a)(2)(ii), a cross reference to paragraph (g)(1)(ix) in § 721.72, which requires warnings for developmental effects. EPA did not intend to include this requirement when modifying the significant new uses for tris carbamoyl triazine and did not identify potential concerns for developmental effects in the proposed rule or final rule. This document corrects that typographical error.

The regulatory text for FR Doc. 2012-2909 published in the **Federal Register** of February 8, 2012 (77 FR 6476) (FRL-9330-6) is corrected as follows:

§ 721.9719 [Corrected]

On page 6479, second column, in paragraph (a)(2)(ii), line 5, remove “(g)(1)(ix),”.

## **III. Why is this Correction Issued as a Final Rule?**

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because notice and comment are unnecessary. The hazard communication requirement that is being removed was never intended to be included in the significant new use rule (SNUR), the PMN submitter who brought the error to EPA’s attention is familiar with the issue, and EPA is not aware of and does not expect there to be persons who would be adversely affected by the change

as there are no companies making plans based on erroneous notice and no harm resulting from deleting the unnecessary requirement for a developmental effect warning. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

#### **IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?**

This action corrects an error in the final rule published in the **Federal Register** of February 8, 2012, modifying significant new uses of tris carbamoyl triazine; it does not otherwise amend or impose any other requirements. This action is not a “significant regulatory action” under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). Further, this action does not impose new or change any information collection burden that requires additional review by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection activities contained in the regulations are already approved under OMB control numbers 2070-0012. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations in 40 CFR are listed in 40 CFR part 9 and on corresponding collection instruments, as applicable.

On February 18, 2012, EPA certified pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true: (1) A significant number of significant new use notices (SNUNs) would not be submitted by small entities in response to the SNUR, and (2) the SNUN

submitted by any small entity would not cost significantly more than \$8,300. A copy of that certification is available in the docket for this rule.

This action is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in the final modified SNUR and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true: (1) A significant number of SNUNs would not be submitted by small entities in response to the SNUR and (2) submission of the SNUN would not cost any small entity significantly more than \$8,300. Therefore, this technical correction would not have a significant economic impact on a substantial number of small entities.

State, local, and tribal governments were not expected to be affected by the February 8, 2012 final rule (see Unit IX.D. through Unit IX.F. of the preamble to that action), and, similarly, this action is not expected to affect these governments. Accordingly, pursuant to Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531-1538), EPA has determined that this action is not subject to the requirements in UMRA sections 202 and 205 because it does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or for the private sector in any 1 year. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in UMRA sections 203 and 204. For the same reasons, EPA has determined that this action does not have "federalism implications" as specified in Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999), because it would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government, as specified in the order. Thus, Executive Order 13132 does not apply to this action. Nor does it have “tribal implications” as specified in Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 22951, November 9, 2000). Thus, Executive Order 13175 does not apply to this action.

Since this action is not economically significant under Executive Order 12866, it is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) and Executive Order 13211, entitled Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001). In addition, EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, which is not the case in this action.

This action does not involve technical standards that would require the consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272).

This action does not have an adverse impact on the environmental and health conditions in low-income and minority communities. Therefore, this action does not involve special consideration of environmental justice related issues as specified in Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

## **V. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report

to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S.

Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 721**

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 24, 2012.

Maria J. Doa,

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*